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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,481	08/26/1999	RIKU RIMPELA	460-008876-U	6634

7590 01/17/2003
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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/17/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/383,481

Applicant(s)

RIMPELA ET AL.

Examiner

Eugene Yun

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-12.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 16 December 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 12/16/2002 have been fully considered but they are not persuasive.

Regarding Claims 1, 8, and 9, the applicant argues that the examiner's cited prior art does not teach "one of said blocks comprising information on the transmission power level of any block of the downlink data transmission". The passage cited in the Honkasalo reference (col. 8, lines 10-15 and lines 20-24) states that the bursts have the quality level or other necessary information attached to them. The bursts in the Honkasalo reference are comparable to the blocks in the applicant's claimed invention and the attached information or quality level to the bursts in the Honkasalo reference can be comparable to one of said blocks comprising information on the transmission power level of any block in the applicant's claimed invention. The Grubeck reference cites the downlink transmission of separated blocks (col. 12, lines 40-45 and lines 55-58). The combination of the Honkasalo reference and the Grubeck reference is to state that it is obvious to one of ordinary skill in the art that transmission of separated blocks where one block comprises information on the transmission power level of any block can be performed in a downlink data transmission as well as uplink.

The applicant also argues that the Honkasalo reference does not teach the network informing any block about the power level used by it in any downlink block of the data channel transmitted by it, so that the terminal would be capable of adjusting its

reception to the correct range in Claim 1. Claim 1, as it is worded, only comprises one of said blocks **containing** information of the power level of any block of the downlink data transmission, which is stated in the combination of Honkasalo and Grubeck. There is nothing in Claim 1 that states a block being informed of a power level used by it or any terminal making any adjustments. Furthermore, there is nothing in Claim 1 that limits the mode to open loop power control.

Regarding Claims 10-12, the applicant argues that the Honkasalo reference does not teach the mobile station knowing at which power level blocks are transmitted by the network at given time levels. The passage cited by the examiner in the Honkasalo reference is also more clearly stated in col. 9, lines 20-34 where it is known by the mobile station at which power level blocks are transmitted. The Honkasalo reference is again combined with the Grubeck reference to state that it is obvious to one of ordinary skill in the art that the mobile station knowing at which power level blocks are transmitted by the network at given time levels can be done in a downlink data transmission as well as uplink.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
January 14, 2003


WILLIAM TROST

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600